

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
:
v. : **CRIMINAL NO. 94-196-01**
:
MELVIN WILLIAMS :

**GOVERNMENT'S SECOND SUPPLEMENTAL MEMORANDUM
REGARDING RESENTENCING**

1. On September 17, 2024, at the most recent hearing in this matter, defendant Melvin Williams requested a period of time to brief legal objections, including to the presentence report. The Court stated that he could file such a pleading by December 1, 2024.

On October 15, 2024 (ECF 498), Williams filed a pro se letter (that is dated September 22, 2024), stating that he no longer wishes to file sentencing objections, and asking to be resentenced forthwith. The government states no objection to that request.

2. Former Special Agent Richard Macko, who testified before the Court at the hearing on September 17, 2024, has advised the undersigned that he has considered the matter and concluded that Williams' request for release from custody should be granted. He prepared a letter to the Court, which is attached.

Undersigned counsel, with profound respect for Mr. Macko, nevertheless disagrees with his conclusion, and will present their views at the final resentencing hearing.

Respectfully yours,

JACQUELINE C. ROMERO
United States Attorney

/s Robert A. Zauzmer

ROBERT A. ZAUZMER
Assistant United States Attorney
Chief of Appeals

/s Kwambina I. Coker

KWAMBINA I. COKER
Assistant United States Attorney

USA vs. Melvin Williams et al:

September 19, 2024

Criminal Action # 94-196-01

Honorable Judge Anita Brody:

Your Honor, I have spent the past two days struggling with the recent Williams Sentencing hearing.. I was a staunch supporter of the Government's position last February when I first learned of the execution of Thurston Cooper near the Strawberry Mansion on February 29th, nearly one month before the first hearing. My supervisor and partner Jim Sweeney and I resolved that issue to our satisfaction. A visit with the Philadelphia Homicide Detective assigned to the case convinced us that Melvin Williams was not involved in any way.

Then, I became conflicted after the March 27th hearing. I have had over six months to think about it. I was impressed with William's performance in court that day. I was especially moved by Williams' mom who steadfastly displayed unconditional love and devotion to her son and by his son Hakim Harris's desire to have his father in his life.

As recently as September 12th, I chose not to make a recommendation to the Court, because Melvin Williams had served his sentence in my case. I had decided to leave the decision for your Honor to make. However, I changed my mind after consulting with the Government Attorney who made a compelling reasoned argument to me that focused on Melvin William's extensive disciplinary prison record and the March 2006 attack on Corrections Officer Travis Bordelon.

Melvin Williams' 2nd performance in representing himself at the hearing on September 17 was exceptional. He was polite, intelligent, and determined as he worked his way through his list of legal motions that included the Hobbs Act Charge in the 1997 Indictment. I know your Honor was impressed with his performance during that stage of the hearing too.

Your honor also expressed reservations about the "justice" Williams received in the Louisiana case and further remarked that you would have given it more consideration had a Pennsylvania Jury made the decision. Officer Bordelon was afforded an opportunity to testify on September 17th in person and he chose not to. I just reviewed the facts of that case again and I understand your concerns.

I took the stand and was not prepared for a direct examination. However, for the first time ever, in Federal Court, the Presiding Judge in this case expressed compassion for what my family and I went through in this ordeal and I am very thankful for your sincere words. Melvin Williams also apologized to me for the harm caused to my family and I accept his apology as a sincere effort on his behalf too.

I know Your Honor sees his potential and I cannot deny that I am more impressed by him every time he represents himself in court.

I talked this over with my wife and she agrees with me that we cannot in good conscience support incarcerating Melvin Williams any longer. My wife and I both realize it is time to turn the page. So, God willing, Melvin Williams will be granted the freedom he seeks.

Signed: /s Richard K. Macko

CERTIFICATE OF SERVICE

I hereby certify that this pleading has been served on the Filing User identified below through the Electronic Case Filing (ECF) system:

Lawrence J. Bozzelli, Esq.

/s Robert A. Zauzmer

ROBERT A. ZAUZMER

Assistant United States Attorney

Dated: October 23, 2024.